

Memorandum

To: Air Permit Mangers

Cc: Chuck Turner

From: John Reinhardt, Title V Coordinator

Subject: Title V Permit Changes

Date: October 24, 2002

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Attached is an updated Title V boilerplate and Statement of Basis boilerplate. These updated boilerplates replace the current boilerplates located on DEQ 2. The new boilerplates are found on DEQ2 at the following: Documents & Forms, air, air\_permitting, manuals, Title5\_manual, revised\_TitleV\_BP\_102102.doc and Title\_V\_SOB\_102102.doc

It is anticipated that the changes contained in this list are not contentious and will not draw many comments. The basis for many of these changes is a boilerplate that is already in use by many regions. However, if there are any recommended changes please let me know. These changes should be included in all permits that have not gone to public notice as of the date of this memo. These changes should be included in Title V permits that are at public notice, proposed, or issued when these permits undergoing renewal, reopening, modifications, or amendments.

General Condition Changes

C. Recordkeeping and Reporting

C.3.has been changed from the previous boilerplate version to include b., (1), (2), (3), and (c). The condition as written in the October 21, 2002 version of the boilerplate is as follows:

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
  - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
  - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
    - (1) Exceedance of emissions limitations or operational restrictions;
    - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
    - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
  - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

#### D. Annual Compliance Certification

D1 - 6 have been modified from the previous boilerplate version some items have been eliminated and some changed. The condition as written in the October 21, 2002 version of the boilerplate is as follows:

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

#### E. Permit Deviation Reporting

Condition E has been changed from the previous boilerplate version. The previous version required permit deviation reporting the next business day. The new condition requires reporting of deviations within 4-day time business hours and a 14-day written report. Also optional language is being added to this condition to allow facilities that operate a COM or

CEM to avoid the 14-day written reporting requirement. This was done to be consistent with malfunction reporting requirement. The condition as written in the October 21, 2002 version of the boilerplate is as follows:

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, XXX Region within four daytime business hours, after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. [Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40.] The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3. of this permit. (9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **J. Permit Action for Cause**

Additional citations were added to condition J. 1. The citations at the end of condition J.1. in the October 21, 2002 permit are as follows: (9 VAC 5-80-110 G & L, 9 VAC 5-80-240 and 9 VAC 5-80-260)

Proposed changes to condition J. 2 will be addressed below.

#### **M. Duty to Pay Permit Fees**

Additional wording was added to this condition. The additional wording states the date and requirement for reporting emissions. The condition as written in the October 21, 2002 version of the boilerplate is as follows:

#### **M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. (9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

#### **N. Fugitive Emissions**

The option to use oil as a dust suppressant must be removed for N. 2 of this condition. The use of oil to suppress dust violates other Department regulations. This is currently being removed from the regulations by the administrative process. Condition N. 2 as written in the October 21, 2002 version of the boilerplate is as follows:

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

Also please check the citation at the end of this condition on all draft Title V permits. The citation may not be correct the citations should be as follows: ([9 VAC 5-40-90] and [9 VAC 5-50-90])

#### O. Startup, Shutdown, and Malfunction

The citations were changed at the end of the condition. The change adds the existing source citation as an option and makes the new source citation optional. The citation as written in the October 21, 2002 version of the boilerplate is as follows: ([9 VAC 5-50-20 E] and [9 VAC 5-40-20 E]).

#### Statement of Basis Change

The changes made to the boilerplate precipitated one change to the statement of basis. The beginning paragraph to the "GENERAL CONDITIONS" was changed. The last phrase was removed from the paragraph. The phrase that was removed is listed as follows: "including those caused by upsets, within one business day". The condition as contained in the new Statement of Basis is listed below:

#### GENERAL CONDITIONS

The permit contains general conditions required by 40 CFR Part 70 and 9 VAC 5-80-110, that apply to all Federal operating permit sources. These include requirements for submitting semi-annual monitoring reports and an annual compliance certification report. The permit also requires notification of deviations from permit requirements or any excess emissions.

#### Change requiring comment

The change described below is one that will require comment prior to changing the boilerplate.

#### J.2. Permit Action for Cause

Condition J. 2 is a list of changes that may qualifying as a modification permit. This memo proposes to remove this condition from the boilerplate entirely. This condition does not seem fit into an operating permit. This condition implies that a facility has to change their Title V permit prior to making a modification. In addition the list contains some inaccuracies and Implies that these are the only changes that could result in a Title V modification. Changes that results in a Title V permit modification are handled during processing of the New Source Review permit. Condition J. 2 is as follows:

2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
  - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;

- b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
- c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
- d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
- e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
- f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

Please comment on the changes to condition J.2 or any other changes by the close of business on October 30, 2002. If there are any question e-mail me or call me at 804-698-4016.